

March 25, 2017

Patrick McDonnell  
Acting Secretary, PA Department of Environmental Protection  
Rachael Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101

SECRETARY'S OFFICE  
MAR 29 2017  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
EN:

Mr. McDonnell,

I am a retired [Ex. 6 Personal Privacy (PP)] in East Whiteland Township. I am a life-long resident of Pennsylvania and have been living in a small suburban neighborhood known as [Ex. 6 Personal Privacy (PP)] for over 35 years.

I have strong concerns about the current handling and proposed development of the Bishop Tube site on South Malin Rd in Frazer, PA. My concerns are multi-faceted since this property is located at the end of my street. I will try to outline just a few of my concerns with regards to your office.

For over 10 years the PADEP has expressed concerns about the development of this site. Some of the documents would indicate that any development would cause an inordinate amount of toxins to be released into the environment.

- What has caused the PADEP to suddenly change they minds? Was new testing completed?
- Is some new "magical" cleanup protocol available?
- How can Constitution Drive Partners safely remove toxins without making it worse and poisoning (by wind) the residents who live nearby?
- As toxins continue to leach into the environment, how will the builder be able to honestly sell homes, which are essentially built on top of a Superfund site?

The residents of [Ex. 6 Personal Privacy (PP)] appear to have been left out of the decision making process. The PADEP has indicated that they are in communication with the builder and township officials, however these communications and subsequent documentation, has not included the residents involved. Without have information about the project in advance, it is impossible to make informed comments and/or ask appropriate questions at township meetings where decisions are made.

It is common knowledge that Bishop Tube was allowed to walk away, leaving all of us with their toxic wasteland. We are not just talking about the impact to the residents of [Ex. 6 Personal Privacy (PP)] The stream, which flows through this property, runs through a number of neighborhoods, municipalities, and communities as it makes its way to the Delaware River and beyond.

No one would like to make the Bishop Tube disappear, more than I. However, this project is NO solution. There is not enough information and what seems to be an effort to thwart transparency. The township/state (PADEP) need to take a step back and develop a plan that is best for their citizens.

Mr. McDonnell, I am asking you to withhold your support for this project. Not only for our small neighborhood, but also for PA residents who want to live in a clean environment.

Sincerely,

**Ex. 6 Personal Privacy (PP)**

Malvern, PA 19355

**Ex. 6 Personal Privacy (PP)**

cc: Senator Andy Dinniman  
Representative Duane Milne



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

April 11, 2017

**Ex. 6 Personal Privacy (PP)**

Malvern, PA 19355

Re: Bishop Tube HSCA Site  
East Whiteland Township, Chester County

Dear Ms. Ex. 6 Personal Privacy (PP)

Thank you for your letter dated March 25, 2017 addressed to Acting Secretary Patrick McDonnell. We appreciate your concern regarding the proposed development of the Bishop Tube HSCA Site by the current owner of the property, Constitution Drive Partners L.P. (CDP).

While we understand that CDP is proposing residential development at the Site, CDP has not yet submitted any permit applications related to proposed development activities such as storm water management, etc. Moreover, we consider any local land development issues, such as zoning or other local ordinance matters, to be exclusively within the purview of East Whiteland Township. Please know that the Department takes no position with regard to how the Township responds to those issues.

With regard to the cleanup of the Bishop Tube Site itself, the Department's responsibility, under the Hazardous Sites Cleanup Act, is to select and assure a remedy that is protective of human health and the environment and otherwise complies with all statutory and regulatory requirements. As part of that process, the Department is presently under binding agreement with Johnson Matthey, Inc. and Whitaker Corporation to complete a comprehensive study of the entire Site, including all impacts to groundwater and surface waters, and to propose alternative ways to cleanup the Site. We expect this study (referred to as a Remedial Investigation/Feasibility Study or RI/FS) to be completed by Summer 2017. Once the RI/FS is complete, the Department will select a final remedy for the Site. The selection process will involve both a written public comment period and a local public hearing. We look forward to hearing from any and all members of the public as a part of that process.

In the meantime, CDP has expressed their intent to apply for a grant under the Industrial Sites Reuse Program (ISRP) administered by the Department of Community and Economic Development (DCED). The proposal under the grant is to excavate the most highly contaminated areas of the Bishop Tube Property, transport these contaminated soils to an off-site disposal facility, and backfill the areas with clean fill.

April 11, 2017

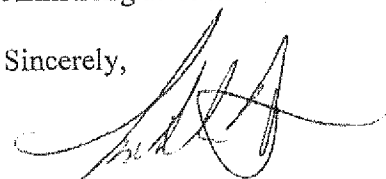
While DCED will ultimately decide whether or not to issue the grant, the Department's responsibility in this process is to review the Scope of Work (SOW) to determine if the proposed activities will comply with all of the environmental statutes the Department administers. To date, we have reviewed and commented on versions of the SOW but have not yet issued any approval. Please know that we will be closely scrutinizing the SOW to ensure that all activities, including such issues as fugitive dust emissions, are conducted in a responsible and lawful manner. In addition, if an ISRP Grant is awarded, the Department will be overseeing remediation work to assure that it is conducted in a manner that conforms to the approved SOW.

Once again, please understand that any excavation and off-site disposal of contaminated soils conducted by CDP under an approved SOW pursuant to the proposed grant would not be a final remediation of the Site but would only be one potential step towards a final cleanup. As I said above, we are nearing completion of the final RI/FS for this Site and will be selecting final remedial action later in the year through a very public Administrative Record process.

We are also working to develop a public webpage where we can keep up-to-date information on the Department's oversight of the Site. We hope that it will go live within the next week or so.

Thank you for your interest in this matter. I hope this information is helpful. If you have any questions or require additional information, please do not hesitate to contact Dustin Armstrong at 484.250.5723 or by e-mail at [darmstrong@pa.gov](mailto:darmstrong@pa.gov).

Sincerely,



Anderson Lee Hartzell  
Acting Regional Director

cc: Senator Andrew Dinniman  
Representative Duane Milne  
Mr. Nagle - East Whiteland Twp.  
East Whiteland Twp. EAC  
Chester County Health Department  
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